

HOUSE BILL 938

R4

11r2357

By: **Delegate Stein**

Introduced and read first time: February 11, 2011

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 25, 2011

CHAPTER _____

1 AN ACT concerning

2 **Vehicle Laws – Driver’s Licenses, Identification Cards, and Moped Operator’s**
3 **Permits – Photographs**

4 FOR the purpose of repealing certain provisions of law that require driver’s licenses,
5 identification cards, and moped operator’s permits issued by the Motor Vehicle
6 Administration to contain a photograph of the license, card, or permit holder
7 that is in color; providing for a delayed effective date; making a technical
8 correction; and generally relating to photographs on driver’s licenses,
9 identification cards, and moped operator’s permits.

10 BY repealing and reenacting, without amendments,
11 Article – Transportation
12 Section 12–301(a), 16–111.1(b)(1), and 16–122(a)(1)
13 Annotated Code of Maryland
14 (2009 Replacement Volume and 2010 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article – Transportation
17 Section 12–301(g)(2), 16–111.1(d)(2), 16–122(d), and 16–811(c)
18 Annotated Code of Maryland
19 (2009 Replacement Volume and 2010 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
21 MARYLAND, That the Laws of Maryland read as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1

Article – Transportation

2 12–301.

3 (a) On application, the Administration shall issue an identification card to
4 any applicant who:

5 (1) Is a resident of this State;

6 (2) Does not have a driver’s license;

7 (3) Presents a birth certificate or other proof of age and identity
8 acceptable to the Administration;

9 (4) Provides satisfactory documentary evidence that the applicant has
10 lawful status;

11 (5) (i) Provides satisfactory documentary evidence that the
12 applicant has a valid Social Security number by presenting the applicant’s Social
13 Security Administration account card or, if the Social Security Administration account
14 card is not available, any of the following documents bearing the applicant’s Social
15 Security number:

16 1. A current W–2 form;

17 2. A current SSA–1099 form;

18 3. A current non–SSA–1099 form; or

19 4. A current pay stub with the applicant’s name and
20 Social Security number on it; or

21 (ii) Provides satisfactory documentary evidence that the
22 applicant is not eligible for a Social Security number; and

23 (6) Presents a completed application for an identification card on a
24 form furnished by the Administration.

25 (g) (2) The card shall contain:

26 (i) The name and address of the applicant;

27 (ii) The birth date of the applicant;

28 (iii) The sex of the applicant;

29 (iv) A description of the applicant;

1 (v) A [color] photograph of the applicant taken by the procedure
2 that the Administration requires;

3 (vi) The expiration date of the identification card;

4 (vii) The signature of the applicant; and

5 (viii) The signature and seal of the issuing agent.

6 16–111.1.

7 (b) (1) This subsection applies to an applicant who holds a provisional
8 license under § 16–111 of this subtitle.

9 (d) (2) A noncommercial Class A, B, C, or M license shall include:

10 (i) The name and residence address of the licensee;

11 (ii) The date of birth of the licensee;

12 (iii) A description of the licensee, which shall include the height,
13 weight, and sex of the licensee;

14 (iv) A [color] photograph of the applicant that is taken in
15 accordance with a procedure that the Administration requires;

16 (v) The type or class of vehicles that the license authorizes the
17 licensee to drive;

18 (vi) The signature and seal of the issuing agent; and

19 (vii) A space for the signature of the licensee.

20 16–122.

21 (a) (1) Notwithstanding any other provision of this article, the
22 Administration shall, subject to the provisions of this section, issue or renew an
23 identification card, a moped operator's permit, or a license to drive that is not
24 acceptable by federal agencies for official purposes determined by the Secretary of the
25 United States Department of Homeland Security if an applicant:

26 (i) 1. Has an unresolved non-match described under
27 § 16–121 of this subtitle;

28 2. Meets the requirements concerning the non-match
29 contained in regulations adopted by the Administration that are consistent with

1 regulations adopted by the Secretary of the United States Department of Homeland
2 Security; and

3 3. Would be otherwise eligible under this article for the
4 issuance or renewal of an identification card under § 12–301 of this article, a moped
5 operator’s permit under § 16–104.2 of this subtitle, or a license to drive under this
6 title, but for the unresolved non–match; or

7 (ii) 1. Was the holder of an identification card under
8 § 12–301 of this article, a moped operator’s permit under § 16–104.2 of this subtitle, or
9 a license to drive under this subtitle issued or renewed by the Administration before
10 April 19, 2009;

11 2. Does not provide satisfactory documentary evidence
12 that the applicant has lawful status or a valid Social Security number;

13 3. Certifies that the applicant does not have a Social
14 Security number; and

15 4. Would be otherwise eligible for issuance or renewal of
16 an identification card under § 12–301 of this article, a moped operator’s permit under §
17 16–104.2 of this subtitle, or a license to drive issued under this subtitle, but for the
18 absence of documentary evidence described in item 2 of this item.

19 (d) Each identification card, moped operator’s permit, and license to drive
20 issued or renewed in accordance with this section shall:

21 (1) Clearly state on its face and in its machine–readable zone that it is
22 not acceptable by federal agencies for official purposes;

23 (2) Have a unique design or color indicator that clearly distinguishes it
24 from the design or color of an identification card under § 12–301 of this article, a
25 moped operator’s permit under § 16–115 of this subtitle, or any license to drive under
26 any other section of this subtitle; and

27 (3) Be of the size and design that the Administration requires,
28 tamperproof, to the extent possible, and contain:

29 (i) The name and address of the applicant;

30 (ii) The birth date of the applicant;

31 (iii) The gender of the applicant;

32 (iv) A description of the applicant;

1 (v) A [color] photograph of the applicant taken by the procedure
2 that the Administration requires;

3 (vi) The expiration date of the identification card, moped
4 operator's permit, or license to drive;

5 (vii) The signature of the applicant; and

6 (viii) The signature and seal of the issuing agent.

7 16-811.

8 (c) Each commercial driver's license issued by the Administration shall:

9 (1) Be marked "commercial driver's license" or "CDL"; and

10 (2) Include the following information:

11 (i) The licensee's:

12 1. Full name and current mailing address;

13 2. Physical description including sex, height, and
14 weight; **AND**

15 3. [Color photograph] **PHOTOGRAPH** or photo-image;

16 (ii) The date of issuance;

17 (iii) The date of expiration; and

18 (iv) Any other information required by the Code of Federal
19 Regulations or the Administration.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 ~~October 1, 2011~~ June 1, 2012.